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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,483	09/13/2000	Abraham R. Matthews	1384.006US1	2761

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EXAMINER
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BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/663,483	Applicant(s) MATTHEWS ET AL.	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 and 13 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-2, 4-9 are pending in this Office Action.

Claims 3, 10-17 are withdrawn without traverse.

Claims 18-20 are cancelled.

### **Response to Arguments**

Applicant's amendment filed 3/13/06 has been fully considered but is moot in view of new grounds of rejection. The reasons are set forth below.

### ***Drawings***

The drawings are objected to because they contain numerous and multiple hand drawn corrections that are sloppy and some are illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “installing an operating system on each processor element” in claim 1, third line. This is vague and indefinite because it is unclear and not described in the specification. The specification teaching on page 5, around line 25, where it teaches “an operating system” that manages work to processors. And page 6 where a network operating system is described. The examiner can find no language in the specification that teaches an operating system installed on the processor elements and suggests removal or rephrasing of the limitation. Applicant may be incorrectly using a very well defined in the art idea of an operating system.

**Applicant's invention as claimed:**

**Claims 1-2, 4-9 are rejected under 35 U.S.C. 102(e) as being unpatentable by U.S. Patent No 6,674,756 by Rao et al.**

Regarding claim 1, a method of managing a switch (Rao: col. 2, lines 15-41), comprising:

installing the switch having a plurality of process elements (Rao: col. 5, lines 64- col. 6, line 6);

installing an operating system on each processor element (Rao: col. 6, lines 13-37; inherent feature on computers);

creating a system virtual router on one of the processor elements (Rao: col. 19, lines 28-43), wherein creating a system virtual router includes establishing a global object manager on one of the plurality of processor elements (Rao: col. 19, lines 39-43); and

configuring the processor elements from the system virtual router (Rao: col. 19, lines 44-46; col. 17, lines 25- col. 18, line 11), wherein configuring includes establishing, via the global object manager, a local object manager on each processor element, wherein the local object manager manages objects local to each processor element and transfers messages between objects on the processor element and between processor elements (Rao: col. 8, lines 38-55).

With regards to claim 2, an article comprising a computer readable medium having instructions thereon, wherein the instructions, when executed in a computer, create a system for executing the method of claim 1 (Rao: col. 5, lines 64- col. 6, line 6).

Regarding claim 4, the method of claim 1, wherein configuring the processor elements includes creating a customer virtual router form selected processor elements on multiple blades (Rao: col. 3, lines 67- col. 4, line 9; blades; col. 20, lines 32-41), wherein creating a customer virtual router includes (Rao: col. 19, lines 28-52):

establishing a virtual private network associated with a customer (Rao: col. 20, lines 22-41);

adding the virtual router to a list of virtual routers associated with the virtual private network (Rao: col. 20, lines 11-15; partitions of the VR to the VPN); and

creating an object associated with the customer virtual router on each of the selected processor elements (Rao: col. 19, lines 47-67).

Regarding claim 9, the method of claim 4, wherein creating a virtual router includes sending a request to create a customer virtual router (Rao: col. 19, lines 47-67; col. 1, lines 61- col. 2,).

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Regarding claim 5, the method of claim 1, wherein configuring the processor elements includes:

adding new processor elements (Rao: col. 7, lines 14-26); and

using a distributed management layer to group processor elements into at least one virtual router (Rao: col. 18, lines 12-64), wherein grouping includes assigning a group identifier to selected objects in each processor element such that the selected objects can be addressed as a group (Rao: col. 19, lines 53-67).

Regarding claim 6, the method of claim 5, wherein using a distributed management layer to group processor elements into at least one virtual router includes:

requesting the global object manager to create a virtual router from a group of processor elements (Rao: col. 19, lines 28-52);

requesting one or more of the local object managers to group the processor elements (Rao: col. 8, lines 38-55);

activating processor elements of the group (Rao: col. 18, lines 43-55); and

generating a status message that the virtual router is created (Rao: col. 19, lines 22-26, 62-65; col. 24, lines 43-51).

Regarding claim 7, the method of claim 6, wherein activating processor elements of the group includes changing a state machine for a processor element to an activate state (Rao: col. 19, lines 28-61).

Regarding claim 8, the method of claim 5, wherein using distributed management layer to group processor elements includes adding object identifiers to a global object database (Rao: col. 19, lines 62-67; resource pool; col. 18, lines 12-24).

**REMARKS**

Applicant's case has been revived from abandonment with request for continued examination. The petition to revive was granted 6/23/06. Applicant's request for consideration filed 3/13/06 is entered. The applicant presents claim amendments to include further details. Applicant did not address the 35 U.S.C. 112, second paragraph rejection on claim 1.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

BRS

Philip Tran  
PRIMARY EXAMINER